

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

WILLIAM JACOBS, et al.,

Plaintiffs,

:

Case No. 3:10-cv-183

-vs-

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

:

WELLS FARGO AND COMPANY, et al.,

Defendants.

REPORT AND RECOMMENDATIONS

This case is before the Court on Ocwen Financial Corporation's Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(2). The Motion was filed and served July 6, 2010, so that Plaintiffs' time to respond expired July 30, 2010. S. D. Ohio Civ. R. 7.2. No response has been filed.

S. D. Ohio Civ. R. 7.2(a)(2) provides in pertinent part: "Failure to file a memorandum in opposition may be cause for the Court to grant any Motion, other than one which would result directly in the entry of final judgment or an award of attorney fees."

Because the Motion is well supported and Plaintiffs have not responded, it is respectfully recommended that Ocwen Financial Corporation's Motion to Dismiss be granted and that said Defendant be dismissed without prejudice for lack of personal jurisdiction.

November 2, 2010.

s/ **Michael R. Merz**
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(e), this period is automatically extended to seventeen days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(B), (C), or (D) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6th Cir., 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).